

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

CR/Kowitz

30077

FILE: B-215993

DATE: December 31, 1984

MATTER OF: AC, Inc.

DIGEST:

1. Where a solicitation clearly specifies that bids will be evaluated by totaling the prices for basic and option quantities, a protester who submits the low price for the basic quantity, but not the low total price, is not in line for award.
2. GAO will not consider a protest, filed after bid opening, alleging that an evaluation scheme including prices for option quantities is improper because the government may not exercise the option. Under GAO Bid Protest Procedures, protests concerning alleged improprieties in solicitations must be filed before bid opening.

AC, Inc. protests the award of a contract to Engineered Systems & Development Corporation under solicitation No. DAAK10-84-B-0061, issued by the U.S. Army Armament Research and Development Center, Dover, New Jersey. This contract covers 41 Ground Vehicle Mine Dispensers, designated M128, with an option for 75 additional units.

We deny the protest in part and dismiss the remainder.

The Army evaluated bids on the basis of both the basic and option quantities. AC asserts that because its price for the basic quantity is low and the Army may not exercise the option, it should have received the award.

The bids in question were as follows:

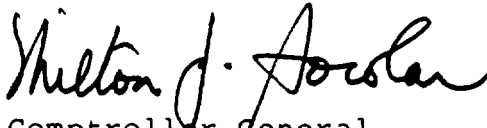
	<u>AC</u>	<u>Engineered Systems</u>
Basic Quantity	\$ 6,150,000	\$ 6,239,000
Option Quantity	10,835,000	10,314,000
Total	\$16,985,000	\$16,553,000

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In formulating its protest, AC apparently has overlooked the provision on page 76 of the solicitation which specified that award would be made to the low responsive bidder for both basic and option quantities who satisfied all the solicitation's Special Standards of Responsibility (not at issue here). The solicitation further provided that bids would be evaluated by adding the total price for the option quantity, as calculated in accord with a prescribed formula, to the total price for the basic quantity. When the two bids are evaluated this way, Engineered Systems' is low. Since award evaluation considered option prices as specified in the solicitation, the Army's award was proper. See Jefferson Construction Corp., B-215080, May 29, 1984, 84-1 CPD ¶ 580.

AC also alleges that the evaluation scheme set forth in the solicitation should not have been used because the Army may not purchase the option quantity. This concerns an alleged impropriety in the solicitation. Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1984), require that protests based on improprieties of this type must be filed before bid opening. Here, bid opening occurred on July 9, 1984, but AC's protest was not filed with our Office until August 6, 1984. The allegation therefore is untimely and not for consideration on the merits.

The protest is denied in part and dismissed in part.

for 
Comptroller General
of the United States